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*36552-120103*

***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***DECEMBER 1, 2003  
9:00 A.M.***

***EMERGENCY OPERATIONS CENTER  
CONFERENCE ROOM***

***AGENDA***

**Call to Order--Roll Call.** (Council Members Fitzpatrick, Harris, and Wyatt were absent.)

A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the mid-year performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**Approved (4-0)  
File #132**

(To be held at 11:00 a.m., in the Council's Conference Room)

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**Approved (4-0)**

**File #2-132-166**

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**Approved (4-0)**

**File #2-132-166**

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**Approved (4-0)**

**File #2-132-166**

1. **Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (15 minutes)**
2. **Topics for discussion by the Mayor and Members of Council. (15 minutes)**
  - VML Legislative Day Regional Dinner
  - Council/School Board Joint Session (January 5, 2004)
    - Stadium Turf Issue
    - Other Items
  - Scheduling of Future Council/School Board Joint Sessions

**File #17-132-122-110-467**

**3. Briefings:**

- Zoning Ordinance - 20 minutes
- Traffic Calming - 20 minutes
- First Street Bridge - 20 minutes

**File #51-20-102**

**THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 12:15 P.M., FOR A LUNCHEON MEETING OF COUNCIL, THE ROANOKE CITY SCHOOL BOARD, AND AREA LEGISLATORS.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***DECEMBER 1, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call. (Council Member Fitzpatrick was absent.)**

The Invocation was delivered by The Reverend Paul E. Johnson, Pastor, Williams Memorial Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTB Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, December 4, 2003, at 7:00 p.m., and Saturday, December 6, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.**

**2. PRESENTATIONS AND ACKNOWLEDGMENTS:**  
**NONE.**

**3. CONSENT AGENDA**

**(Approved (6-0))**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1        A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to leasing City-owned property located at 1302 Municipal Road, N. W.

**RECOMMENDED ACTION: Concur in the request.**  
**File #132-552**

- C-2        A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to vacation and dedication of sewer and drainage easements across property located on Wildwood Road, S. W.

**RECOMMENDED ACTION: Concur in the request.**  
**File #:132-28-27**

- C-3           A communication from the City Manager recommending adoption of the Calendar of Events for Budget Preparation Activities for fiscal year 2004-05.

**RECOMMENDED ACTION: Concur in the recommendation.  
File #60**

- C-4           A communication from Kyle G. Ray tendering his resignation as a member of the Architectural Review Board.

**RECOMMENDED ACTION: Accept the resignation and receive and file  
the communication.  
File #110-249**

- C-5           A communication from Melinda J. Payne tendering her resignation as a Trustee of the Roanoke City School Board, effective December 31, 2003.

**RECOMMENDED ACTION: Accept the resignation and receive and file  
the communication.  
File #110-467**

- C-6           Qualification of Sam G. Oakey, III, as a member of the Roanoke Public Library Board, to fill the unexpired term of Brooke Parrott, deceased, ending June 30, 2006.

**RECOMMENDED ACTION: Receive and file.  
File #110-323**

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

## **5. PETITIONS AND COMMUNICATIONS:**

- a. Request of The Arts Council of the Blue Ridge to present information on “Downtown – This Is Living”, a walking tour of downtown residential spaces. Gregg Lewis, Member, Board of Directors, and Co-Chair of “Downtown – This Is Living”, Spokesperson. (Sponsored by the City Manager)

**Deferred until the regular meeting of Council on Monday,  
December 15, 2003 at 2:00 p.m.**

- b. Request to address Council with regard to school issues. The Reverend William L. Lee, Spokesperson. (Sponsored by Council Members M. Rupert Cutler and Beverly T. Fitzpatrick, Jr.)

**No Action  
File #467**

## **6. REPORTS OF OFFICERS:**

- a. CITY MANAGER:

### **ITEMS RECOMMENDED FOR ACTION:**

1. Acceptance of Western Virginia Workforce Development Board Workforce Investment Act funds, in the amount of \$771,458.00; and appropriation of funds.

**Adopted Budget Ordinance No. 36552-120103 and Resolution  
No. 36553-120103 (6-0)  
File #60-72**



2. Amendment of the Fee Compendium to establish the fee for outdoor dining permits for calendar year 2004.

**Adopted Ordinance No. 36554-120103 (6-0)  
File #289-555**

3. Acceptance of a Juvenile Justice and Delinquency Prevention Title II Grant from the Department of Criminal Justice Services for the City's Crisis Intervention Center (Sanctuary) Aggression Replacement Training and Education Program, in the amount of \$17,571.50; and appropriation of funds.

**Adopted Budget Ordinance 36555-120103 and Resolution No. 36556-120103 (6-0)  
File #304-236**

4. Amendment of the City Code to revise the definitions of "dangerous dog" and "vicious dog" and to increase the liability insurance coverage requirement.

**Adopted Ordinance 36557-120103 (6-0)  
File #24-54**

b. DIRECTOR OF FINANCE:

1. Financial Report for the month of October 2003.

**Received and filed  
File #1-10**

**7. REPORTS OF COMMITTEES: NONE.**

**8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. A resolution appointing a new Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on the Board of Directors.

**Adopted Resolution No. 36558-120103 (6-0)  
File #110-207**

- b. A resolution appointing Evelyn W. Powers as City Treasurer for a term commencing upon her qualification and expiring on December 31, 2005.

**Adopted Resolution No. 36559-120103 (5-0 Mayor Smith voted for Candidate #3)  
File #34**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Dowe expressed appreciation to Reverend Lee for his remarks which were presented earlier in the meeting regarding school issues (item 5.b.), and encouraged Council to consider the suggestion of Reverend Lee.  
File #467-132**

**Council authorized a public hearing to be held on Monday, December 15, 2003, at 7:00 p.m., in the Council Chamber, with regard to a vacancy on the Roanoke City School Board created by the resignation of Melinda J. Payne, for a term ending June 30, 2004. The deadline for receipt of applications will be December 12, 2003, at 5:00 p.m., in the City Clerk's Office.  
File #110-467**

**Council Member Cutler referred to a complimentary article in the *Virginia Town and City* Magazine with regard to the Crystal Spring Water Plant.  
File #468**

**Council Member Cutler called attention to a letter to the Editor in the November 28, 2003 edition of *The Roanoke Times*, "Spruce Up Library Plaza", and encouraged the City to pay more attention to the condition of the Main Library which is an important resource for the City of Roanoke.  
File #323**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to the number of reports that are acted on by the Council which are not included on the written Council agenda for review by citizens prior to the Council meeting.  
File #132**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to the issue of "character building".  
File #66**

**Mr. Robert E. Gravely, 729 Loudon Avenue, N W., spoke with regard to the City's aging infrastructure, the need for higher wages for City employees, and the City's tax structure, etc.  
File #66**

## **12. CITY MANAGER COMMENTS:**

**The City Manager advised that Council met earlier in the day with the City's representatives to the General Assembly and an item of priority is a request to modify the State Code to provide for future notification of localities when any type of substance abuse or methadone clinic is to be considered in a locality. She further advised that the City will provide information on the members of a health committee representing the House and the Senate for the benefit of those persons who would like to express a concern or submit letters of support for the amendment; and letters should also be forwarded to the Department of Mental Health Mental Retardation and Substance Abuse which is the permitting organization for such facilities.**

**File #132-76-22-51**

**CERTIFICATION OF CLOSED SESSION. (6-0)**